

REMARKS

This is a full and timely response to the Office Action mailed June 6, 2005.

By this Amendment, the specification, and claims 6 and 8-10 have been amended to address the Examiner's objections and rejection under 35 U.S.C. §112, second paragraph, and to put the claims in better form under U.S. practice. Further, new claim 28 has been added to further protect a specific embodiment of the present invention. Support for the claim amendments can be found variously throughout the specification and the original claims, see, for example, page 1, line 8-11, of the specification. Claim 1-28 are pending in this application with claims 1-5, 7 and 11-27 being withdrawn.

In view of these amendments, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Objections to the Specification and Claims

In items 4-7 of the Action, the specification and claims are objected to based on the informalities set forth. Applicant has amended the specification and claims in accordance with the Examiner's request. Thus, withdrawal of these objections is respectfully requested.

Rejection under 35 U.S.C. §112

Claims 6 and 8-10 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses this rejection.

However, in the interest of expediting prosecution of the present application, Applicant has amended claims 6, 9 and 10 to address the Examiner's concerns. Thus, withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. §102

Claim 6 is rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Mann et al. Applicant respectfully traverses this rejection in view of the amendments to claim 6.

To constitute anticipation of the claimed invention, the cited reference must disclose each and every limitation of the claims. Here, in this case, Applicant has amended claim 6 to

distinguish from the compound (i.e. *9-(diethylamino)-5H-Benzo[a]phenothiazine-5-one*) disclosed on page 788 (see Table 1, compound 1) of Mann et al.

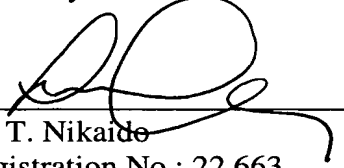
Thus, in view of the amendments to claim 6, withdrawal of this rejection is respectfully request.

CONCLUSION

For the foregoing reasons, all of the claims now pending in the present application are believed to be clearly patentable over the outstanding rejection. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: September 6, 2005

Respectfully submitted,

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 180013 for any such fees; and applicant(s) hereby petition for any needed extension of time.